

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DAVID MICHAEL CLEMENTS,

Defendant.

CR 10-11-H-BMM

ORDER

David Michael Clements (“Clements”) filed a Motion for Early Termination of Supervised Release on January 19, 2024. (Doc. 64.) This Court ordered Clements to complete a period of ten years’ supervised release. (Doc. 28.) The United States opposes Clements’s motion. *See* (Doc. 64.) United States Probation takes no position on early termination of Clements’s supervision. *See* (Doc. 64.) The Court conducted a hearing on the motion on January 25, 2024. (Doc. 68.) The Court informed Clements that he would receive an order terminating his supervision on July 25, 2024, if he remained in full compliance with his conditions and there were no further violations. (*Id.*) For the reasons below, the Court grants Clements’s motion.

Clements pleaded guilty to receipt of child pornography, in violation of 18 U.S.C. § 2252A(a)(2). (Doc. 16); *see* (Doc. 27); (Doc. 1). The Court sentenced Clements to the Bureau of Prisons on March 15, 2011, for a term of 60 months,

followed by ten years of supervised release. (Doc. 28.) Clements began his first term of supervision on April 18, 2014. *See* (Doc. 65 at 2.) He violated the conditions of his supervised release, and the Court sentenced him on April 27, 2016, to nine months' custody followed by ten years of supervised release. (Docs. 47, 48.) Clements began his current term of supervision on January 13, 2017. *See* (Doc. 65 at 2.)

Federal law authorizes a defendant to move for termination of supervised release after successfully completing one year if the Court is satisfied that such action remains "warranted by the conduct of the defendant and the interest of justice." 18 U.S.C. § 3564(c). The Court must consider the factors in 18 U.S.C. § 3553(a) when evaluating whether to terminate a term of supervised release.

The factors in 18 U.S.C. § 3553(a) support an early termination of Clements's supervised release. Clements began his current term of supervised release in January 2017. (Doc. 65.) Clements violated his release conditions by possessing sexually explicit material in March 2020 and in March 2022. (Doc. 52.) U.S. Probation Officer Mark Henkel notes that Clements has "been fine on supervision since the [March 2022] petition was filed." (Doc. 65.) Clements has completed sex offender treatment and continues to see a counselor. (*Id.*) He has been under supervision without incident for approximately 29 months. (*Id.*)

Clements also maintains steady, full-time employment. (*Id.*) Termination of supervision is warranted.

Accordingly, **IT IS ORDERED:**

Clements's Motion for Early Termination of Supervised Release (Doc. 64) is **GRANTED**.

DATED this 25th day of July, 2024.



Brian Morris, Chief District Judge
United States District Court